



Chiropractic Board of Australia announcement

"Our position is unequivocal – false [or] misleading advertising is unacceptable"

Chair, CBA, 7 March 2016

Following FSM's urging, the Chiropractic Board of Australia (CBA) has written to their 5,000 registered practitioners, warning them to stop making "deceptive" claims or else risk prosecution and disciplinary action. Claims targeted include those relating to developmental and behavioural disorders, ADHD, autism spectrum disorders, asthma, infantile colic, bed-wetting, ear infections and digestive problems.

In their [Media Release](#), they publish clear advice on [advertising matters](#), asking for the removal of statements which suggest that:

- there is a relationship between spinal manipulation therapy (SMT) and achieving general wellness;
- spinal problems may have a direct role in various organic diseases and infections; and
- SMT can be used to treat various organic diseases and infections.

Of particular concern is the number of advertised claims relating to the treatment of infants, children and the unborn child.



Chiropractors were also reminded that they "should not display, promote or provide materials, information or advice that is anti-vaccination in nature and should not make comment discouraging vaccination."

In January, FSM had documented images from [hundreds of chiropractic websites](#) which, despite repeated guidance being provided by the Chiropractic Board, did not meet the required standards. It remains to be seen if AHPRA will apply effective sanctions on those who continue these practices.

CAM Video Lecture Course



James Randi Educational Foundation/Harriet Hall

[Announcing: Video Lecture Course on Science-Based Medicine](#)



Complementary & Alternative Medicine Blog - (the view of a previous insider!)

Frank Van der Kooy

[Where can \(Australian\) consumers find unbiased info regarding complementary medicine? Will you find it on the NICM's website?](#)



www.scienceinmedicine.org.au



info@scienceinmedicine.org.au



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PO Box 631, Morayfield, QLD, 4506

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Executive News

Industry watchdog, [Dr Ken Harvey](#), has joined the Executive of FSM! With an in-depth knowledge of the workings of the Therapeutic Goods Administration, he has built a reputation as a consumer advocate for both prescription and complementary medicines.

Dr Harvey resigned from La Trobe University when they announced that they were accepting funding from complementary medicine sponsor, Swisse Wellness. He is now associated with Monash University, where he works as an educator. He participated in the [National Health & Medical Research Council \(NHMRC\), Natural Therapies Review](#).

Joanne Benhamu, is now undertaking post-graduate studies, has temporarily stepped down from the Executive.

Professor Alastair MacLennan has stood down as FSM Pathology Facilitator. Dr Bruce Campbell, retired chemical pathologist and Australian Editor-in-Chief of [Lab Tests Online](#), has taken on this role.



Seminar

Advertising of Therapeutic Goods and Services (and its Regulation)



The "Advertising of Therapeutic Goods and Services" Seminar, held at the University of Sydney on 17 March 2016, was the initiative of Dr Ken Harvey. It was organised and supported by Choice, the Foundation for Effective Markets and Governance (FEMAG), University of Sydney (Health Law Centre), Monash University (School of Public Health and Preventative Medicine) and the ACCC.

There was an excellent turnout from the therapeutic goods and services industry, regulators and health advocate groups, including representatives from the Consumers Health Forum (CHF), Choice, FSM, Australian Skeptics, the Doctors Reform Society and Stop the Australian (Anti) Vaccination Network.

It included presentations and panel discussions from senior representative from the Australian Health Practitioners Regulation Agency (AHPRA), the Therapeutic Goods Administration (TGA), the Food Standards Australia & New Zealand (FSANZ), the Australian Competition and Consumer Commission (ACCC), Chiropractic Australia and Dr Harvey.

During the day, while there was considerable discussion on the failure of AHPRA and the TGA to provide similar transparency in their various complaints mechanisms when compared to that provided by the Therapeutic Goods Administration Complaints Resolution Panel (TGACRP) and Medicines Australia.

However, the strongest message communicated was that "more teeth and more biting" are required from a number of regulators.

Background papers and some presentations are available at: <http://www.medreach.com.au/?p=1517>.

A follow-up seminar is planned for 2017 to review progress in complaints handling for therapeutic goods and services.

World Health Organization

Following communication with the World Health Organization (WHO) about unsubstantiated claims published on the WHO website that acupuncture was effective for hundreds of illnesses and disorders, the link to those claims was removed. [Nearly one third of Australian acupuncture websites](#) continue to refer to WHO as endorsing acupuncture.



WHO now plans to take a comprehensive approach in the area of research on traditional and complementary medicine, including acupuncture. This will include a discussion of the broader issues of evidence updates in service delivery. As a result of our work, representatives from both FSM and Cochrane were invited to Geneva.

Caught up in issues relating to the outbreak of the Ebola Virus, the meeting, arranged by Dr Ed Kelley, Director, Service Delivery and Safety, Health Systems and Innovation Cluster, with WHO was postponed, but is now back on their Agenda and is planned for 2016.

Therapeutic Goods Administration

Hemaview and Other Invalid Pathology Tests

On [1 July 2010](#), *in vitro* diagnostic interventions came under the jurisdiction of the Therapeutic Goods Administration (TGA). At that time, the sponsors of existing devices were given four years to apply for 'listing numbers' for entry onto the [Australian Register of Therapeutic Goods \(ARTG\)](#). Later, at the request of the Industry, this was extended for an additional year.

In October 2013, the FSM Pathology Advisory Group, which included distinguished pathologists from Australia and New Zealand, [prepared a paper](#) on pathology tests offered in Australia. This report, which also covered invalid tests, was supported by [The Royal College of Pathologists of Australasia](#).

Websites publishing or broadcasting an advertisement about unlisted therapeutic goods are now in breach of section 42DL(1)(g) of the Therapeutic Goods Act. Complaints about diagnostic interventions which failed to get listing numbers can be submitted to the TGA.

FSM documented over 700 website links, mostly offered by naturopaths as part of their initial patient consultations, to a range of pseudo-diagnostic interventions which attract Private Health Insurance rebates. A series of reports documenting images from practitioners, sponsors and training institutions were sent to the TGA with a request for an investigation of the following:



- [hemaview/live blood analysis \(LBA\) \(200+\)](#);
- [electrodermal diagnostic devices \(100+\)](#);
- [body scanning devices \(30\)](#);
- [taste test for zinc deficiency \(150+\)](#);
- [hair analysis \(140+\)](#);
- [urinary indican test \(100+\)](#), &
- [Thyroflex websites \(24\)](#).

These complaints were assigned to the Manager, Compliance Review, Advertising Compliance Unit, Regulatory Practice, Education and Compliance Branch, TGA. Following an investigation by the TGA,

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nearly 100 website links for Hemaview were deleted or amended. The TGA are continuing to investigate the claims made in our reports.



REMOVED

Several links have been removed from the peak bodies representing Naturopaths, the [Australian Traditional Medicine Society \(ATMS\)](#) and the [Australian Naturopathic Practitioners Association \(ANPA\)](#). The [National Institute of Integrative Medicine \(NIIM\)](#) has also removed their statements on 'live blood analysis'.

Review of Medicines and Medical Devices Regulation

The second (and final) Report of the [Review of Medicines and Medical Devices Regulation](#) was released on 20 November 2015. Consumers and health care professionals met to respond to an [independent review](#) of the current regulatory system. As one of the stakeholders, (submissions in [2012](#) & [2013](#)), FSM was invited by the Medicines and Medical Devices Review Taskforce, Best Practice Regulation Branch, Department of Health, to discuss a range of recommendations. Dr Ken Harvey (Complementary Medicines) and Professor John Dwyer (Advertising Regulatory Framework) represented FSM at these forums.

**FINAL
REPORT**



BICOM & Other Electrodermal Screening Devices

Electrodermal screening devices measure galvanic current that passes between the probes, patches etc on patients' skin. Sponsors claim they can be used for successfully treating allergy sufferers. While many are not listed, some have been accepted as 'low risk' Class 11a device, (GMDN 10396 Biofeedback system), primarily targeting patients with allergies. Practitioner courses can cost in excess of \$2,000.

The BICOM is [listed on the ARTG](#) as such a device. A number of advertising breaches have been upheld by the Therapeutic Goods Administration Complaints Resolution Panel (TGACRP) [against the sponsor](#) and [individual BICOM practitioners](#), who were required to publish retractions on their respective websites. The claims made included claims that the device had "outstanding success at eliminating allergies and treating allergic diseases", could eliminate the papilloma virus, remove heavy metals and that it achieved a 90% success rate as a "safe and effective way to give up smoking for good" which they claim can completely wipe out "the urge to smoke".



The TGA stated that they worked "closely with the BICOM device sponsor to make its website [was] compliant with the therapeutic goods advertising legislation". Consequently, they claimed that the sponsor's website has been amended and therapeutic claims made are now consistent with the "intended purpose" for the devices, so the sponsor no longer breaches the TG Act. While their website continues to claim that the device is able to "identify a range of client's reaction to environmental stressors", including infections and pollens and to be able to "reduce or eliminate the effects of these stressors", direct therapeutic claims have been removed.

50 WEBSITES
Being Investigated ➡

The TGA is currently investigating therapeutic claims published on over 50 BICOM [practitioner websites](#) identified by FSM which may still breach the TG Act.

Vaccination



FSM [submitted a report](#) to the [Inquiry into the Social Services Legislation Amendment \(No Jab, No Pay\) Bill 2015](#).

FSM argued that a strong and reliable vaccination scheme is the cornerstone of a robust public health system which is focused on preventive health and on the most vulnerable in our society, and that the proposed legislative amendment is aimed at strengthening and protecting that system.

FSM recommended *that the amendment be passed and implemented, that the money saved should be put towards containment of outbreaks together with an education campaign, as well as recognition and support for those parents with anxieties based on misinformation.*

Universities

Federation University Australia - Academic Board Meeting

Professor John Dwyer was invited to address the annual meeting of Academic Boards of Australia's universities on the penetration of pseudoscience into our universities. Prof Dwyer emphasised to the Board that universities could no longer claim that their health-care students were trained in critical thinking, with the overwhelming number of graduate websites displaying false or misleading advertising claims relating to complementary and alternative medicine.



He also gave a campus lecture on "Countering pseudoscience in this most scientific of all ages", where he discussed the unprecedented growth of complementary and alternative medicine in Australia, now worth an estimated \$4 billion per annum.

University of NSW

One of our Friends alerted FSM to an alternative medicine intervention being offered by the University of NSW. FSM contacted them about a '[Behavioural Optometry](#)' course offered by the Faculty of Science, School of Optometry and Vision Science.

FSM understands that behavioural optometry encompasses ["a number of unorthodox ideas and practices related to visual processes"](#).

The nature and contents of the course, which claims that "Behavioural Optometry is one of the fastest developing clinical areas in optometry" is being investigated.

University of Wollongong

There was considerable media coverage following the acceptance by the University of a PhD thesis from a prominent anti-vaccination activist. The thesis claimed that global agencies such as the World Health Organization are colluding with the pharmaceutical industry in a massive conspiracy to promote immunisation.

FSM wrote to the University that a further review of the thesis and the processes surrounding its award of a PhD was important "to bolster confidence in the university's higher degree program".

University of Wollongong responded that, following an internal investigation of the process and progress of the research by the candidate and submission and evaluation of the thesis, they "complied with the standard process as set out in policies for higher degree research programs."

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They also stated that they were "very serious about ensuring that our policies and procedures are thorough and up to date" and will be reviewing their "HDR procedures and policies and will benchmark these against other Australian and international universities."



As FSM considered that "poor academic scholarship should never be rewarded", we wrote to the Vice Chancellor urging him to change his decision "not to have the thesis re-examined by more appropriate reviewers given the ongoing broad spectrum of criticism of your university that is damaging its reputation and causing considerable embarrassment for many of your faculty knowledgeable in this area".

The VC stated that they had used "external examiners (unnamed) with relevant international academic expertise" to evaluate the thesis and he recommended that FSM "members could publish a rejoinder using normal peer review processes".

Victoria University



FSM wrote to the VC of Victoria University about the '[Graduate Certificate in Neonatal & Infant Paediatric Manual Therapy](#)' course, offered by their College of Health & Biomedicine, which claims a range of health benefits for newborn infants through manual therapy.

This course is aimed at osteopaths, chiropractors and physiotherapists targeting common neonatal and infant conditions allegedly [amenable to manual therapy](#), claiming to train students to "identify, evaluate and clinically assess for the most common health conditions affecting the neonate and infant which are considered to be amenable to management by manual therapy". Completion enables graduates to work in "neonatal care in the field of manual therapy and paediatrics in the field of manual therapy".

There is no evidence that any of the identified conditions, which include "birth trauma, plagiocephaly, postural asymmetry, feeding problems and failure to thrive, sleep disorders and gastro-intestinal disorders such as infant colic" is treatable by manual therapy. FSM is of the view that the teaching of such an intervention goes against proven scientific principles.

RMIT, Murdoch, Macquarie & Central Queensland Universities

Sacro-Occipital Therapy (SOT), (also related to 'Osteopathy of the Cranial Field', 'Craniopathy' and 'Cranial Osteopathy'), is based on a pseudo-scientific philosophy that ["restriction of movement of the cranial sutures \(where the skull bones meet\) interfere with the normal flow of cerebrospinal fluid \(the fluid that surrounds the brain and spinal cord\)"](#) and causes diseases. There is no scientific evidence for the efficacy or safety of SOT.

While SOT is not part of their university curricula, the SOTO website has published the names of the [Student Club Presidents for 2016](#) for RMIT, Murdoch & Macquarie Universities. The '[Victorian Students SOT Club](#)' is currently advertising a range of S.O.T Seminar Series of courses, costing up to \$1,985.

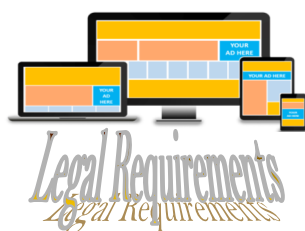
FSM has contacted the four universities which offer chiropractic degrees to alert them to these activities, which are targeting chiropractic students.

Alternative Medicine News

Chiropractic

Dr Ken Harvey and Mal Vickers provided AHPRA with 10 representative complaints about chiropractors who have published claims likely to harm consumers. These include claims to treat serious diseases, over-servicing and using pseudoscience-based modalities to diagnose and treat patients.

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Five years have passed since the Chiropractic Board of Australia (CBA) asked practitioners to ensure that their websites met legal advertising requirements.

In their [July 2015 communiqué](#), the CBA again expressed ongoing concern about false and misleading advertising by some of their members and noted that some chiropractors appeared to lack an understanding of evidence and evidence-based practice.

In 2013, FSM documented [over 200 websites](#) targeting babies and children. We repeated this search in January 2016, now documenting 400 websites. Despite attempts to publish "educative" communiqués, the number of chiropractic practitioner websites has doubled – in just over 2 years! We also identified an additional 100 websites from earlier reports which listed "[chiropractic neurologists](#)" and "[paediatric chiropractic](#)" practitioners.

In a recent [ABC interview](#), Martin Fletcher, CEO, AHPRA denied that illegal advertising is common in the industry, stating that there was only a "small number of chiropractors with hardline views". FSM wrote to Fletcher challenging his claims that false advertising is a minor problem.



In FSM's opinion, the CBA is currently providing a safe haven for chiropractors who are behaving inappropriately, and often fraudulently, by offering ineffective and potentially dangerous chiropractic procedures for children conditions.

FSM has also documented more than [300 chiropractic websites](#) which claim that chiropractic is "safe, gentle and effective care" for children, and which claim that spinal manipulation can alter the course of childhood diseases and disorders.

The COAG Health Council is responsible for selecting National Board appointments to AHPRA. FSM wrote to Minister Jack Snelling, Minister for Health and Chair, COAG Health Council, about the failure of the CBA and AHPRA to protect consumers from false advertising. FSM also posted him the full report of the 400 chiropractic websites targeting children. [His response was immediate](#) – he demanded straight answers from AHPRA and the CBA including questions about actions taken on complaints and about clarifying and strengthening its statements on evidence-based and patient-centred treatments.

'Subluxation', [spinal] 'misalignments', [spinal] 'dysfunction', [nerve] 'irritation' and/or [nerve] 'interferences' are pseudo-medical terms suggesting that those practitioners using them promote fundamentalist chiropractic following the original principles of Palmer, its discredited founder. In a study conducted in early 2015, FSM identified nearly 740 websites (ie more than 1,400 of Australia's 4,978 chiropractors) using these terms. This sample represented 28% of Australia's chiropractors.

FSM has shown that over 80% of the identified websites included one or more of these terms.

Tertiary Education Quality and Standards Agency

FSM has been concerned about the false legitimacy being given to homeopathy through the accreditation of courses by the Tertiary Education Quality and Standards Agency (TEQSA).

The Senate Committee: Education and Employment "QUESTION ON NOTICE" (Supplementary Budget Estimates 2015 - 2016 Outcome: Agency: TEQSA Department of Education and Training Question No. SQ15-000789), provides the following information about the renewal of accreditation

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of ParaPharm Pty Ltd's course in homeopathy:

"The Australian College of Natural Medicine Pty Ltd (ACNM) withdrew its application for renewal of accreditation of the Bachelor of Health Science (Homeopathy), seeking to teach out the existing course. TEQSA extended the accreditation of the existing course until 30 June 2016 to allow ACNM to teach out its remaining four students, on the basis that ACNM has agreed not to enrol any new students in the course."

Recent Relevant Publications by Friends

Scientific Papers

FACT (Focus on Complementary & Alternative Therapies)

Jack O'Sullivan, Chris Del Mar,

Alex Barnes & Loretta Marron [Acupuncture in Australia](#)

'The Bitter Pill' - Australasian Science

Leighton Barnden

[Does Chronic Fatigue Syndrome have a Neurological Origin?](#)

Andrew Stapleton

[Smoke, Mirrors and Nanotechnology](#)

Marko Petrovic

[The Needles Are as Thin as the Evidence](#)

Mark Carter

[Why People Believe Weird Things 101](#)

David Spence

[What The Egg Industry Doesn't Want You To Know](#)

AMA MedicSA

Alastair MacLennan

[The Ascent of Man: Address to medical graduates regarding the assault of unproven alternative therapies on their future patients](#)

The Conversation

Ken Harvey & Basia Diug

[Chemmart's myDNA test offers more than it can deliver](#)

Mick Vagg

[Is the Chiropractic Board of Australia doing enough to protect consumers from pseudoscience?](#)

MJA Insight

[Sue Ieraci: Engaging gift](#)

[Sue Ieraci: Fear of harm](#)

[Ken Harvey & Malcolm Vickers: Chiropractic Board in Firing Line](#)

Science-Based Medicine

Harriet Hall

[Prenatal Multivitamins and Iron: Not Evidence-Based](#)

[Stem Cells and Chiropractic](#)

[Cure Is About Caring, Not Curing: Placebos, Alternative Medicine, and Patient Comfort](#)

David Gorski

[Is "harnessing the power of placebo" worthwhile to treat anything?](#)

[Is scientific peer review a "sacred cow" ready to be slaughtered?](#)



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Scott Gavura

[Is it ethical to sell complementary and alternative medicine?](#)
[What's in your Traditional Chinese Medicine?](#)

Forbes

Steven Salzberg

[The Problem With The Raw Food Movement](#)
[The Top Five Supplements You Should Not Take](#)
[Skepticism About Study Linking Antidepressants And Autism](#)

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and to encourage them to join as a Friend or add their support in other ways

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Email: info@scienceinmedicine.org.au

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